

**COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION
CASE NO. 11-012**

**IN RE: BRADLEY LOWE
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER
Initiation of Administrative Proceeding
And Formal Complaint**

The Executive Branch Ethics Commission (the "Commission"), upon its own motion, initiated a preliminary investigation of Bradley Lowe (the "Respondent"), pursuant to KRS 11A.080(1), on July 11, 2011.

At all relevant times the Respondent was a "public servant" as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the "Ethics Code").

The Commission focused its investigation upon the Respondent's possible violation of the Ethics Code by using his influence in a matter which involved a substantial conflict between his personal or private interest and his duties in the public interest and using his official position to secure or create privileges, exemptions, advantages, or treatment for or others in derogation of the public interest at large.

The Commission notified the Respondent of the preliminary investigation by letter dated September 26, 2011. During the course of the investigation, the Commission found probable cause to believe that violations of KRS Chapter 11A had occurred and voted on December 2, 2011, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the

Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

IT IS THEREFORE ORDERED that:

1. The Respondent shall file his answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.
2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that he committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.
3. A Hearing Officer will be designated by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.
5. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. A copy of all materials shall be served on the designated Hearing Officer at the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
6. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.
7. The Respondent has the right to examine upon request, at least five (5) days prior

to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

8. The Respondent has the right to subpoena witnesses on his own behalf. If the Respondent subpoenas witnesses, he shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

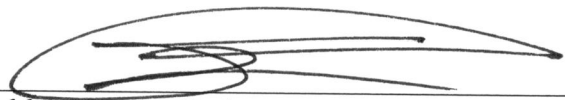
9. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, he may be held in default pursuant to KRS 13B.050(3)(h).

10. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

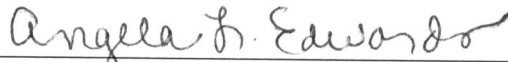
11. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 2nd day of December 2011.

EXECUTIVE BRANCH ETHICS COMMISSION:



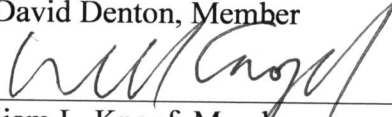
Ronald L. Green, Chair



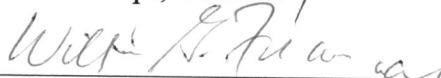
Angela Edwards, Vice-Chair



W. David Denton, Member



William L. Knopf, Member



William G. Francis, Member

**APPENDIX A
CASE NO. 11-012
INITIATING ORDER**

ALLEGATION OF VIOLATIONS

The Respondent, Bradley Lowe, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Fish and Wildlife Resources. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Bradley Lowe committed the following violations:

COUNT I

Bradley Lowe, during his course of employment as a Conservation Officer II with the Department of Fish and Wildlife Resources, used or attempted to use his influence in matters that involved a substantial conflict between his personal or private interest and his duties in the public interest and used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large.

Specifically, on June 15, 2011, Lowe used his official position as a conservation officer by brandishing his conservation officer badge and using his status as a law enforcement officer to falsely claim that he was involved in an official undercover investigation to secure entry for his fifteen year old daughter into the Paddock Bar and Patio in Lexington, Kentucky, which is an Alcoholic Beverage Control regulated establishment for patrons 21 years of age and older. Lowe continued to brandish his badge to order drinks for his daughter while in the establishment.

These facts constitute violations of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:

- (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest.

- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

COUNT II

Bradley Lowe, during his course of employment as a Conservation Officer II with the Department of Fish and Wildlife Resources, used or attempted to use his influence in matters that involved a substantial conflict between his personal or private interest and his duties in the public interest and used his official position to secure or create privileges, exemptions, advantages, or treatment for others in derogation of the public interest at large.

Specifically, on June 15, 2011, Lowe used his influence as a conservation officer by misusing his official peace officer authority when he conveyed himself as a law enforcement officer by threatening to arrest other patrons of the Paddock as they approached to talk to his daughter. Lowe also showed his official badge to Lexington Police Officer David Duncan and erroneously stated that he was a “federal agent” working undercover with his daughter to “bust an Arab sex slave ring” in order to avoid detention by Officer Duncan.

These facts constitute violations of KRS 11A.020(1)(a) and (d).

KRS 11A.020(1)(a) and (d) provides:

- (1) No public servant, by himself or through others, shall knowingly:

- (a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest.

- (d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

(End of document)